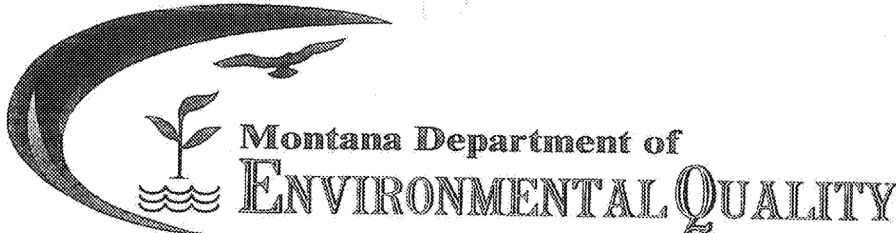


## **Exhibit B**

# **DEQ Letter Terminating Discharge Permit**



Brian Schweitzer, Governor  
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.mt.gov](http://www.deq.mt.gov)

October 5, 2010

Mr. Ron Edwards General Manager  
Big Sky County Water and Sewer District 363  
PO Box 160670  
Big Sky MT 59716

RE: Notice of Termination Big Sky Wastewater Treatment Plant MPDES Permit MT0030384

Dear Mr. Edwards:

This is a formal notice that the Department of Environmental Quality plans to terminate the above referenced permit. Pursuant to the Administrative Rules of Montana (ARM) 17.30.1365, the permit shall be terminated based on your request in your September 30, 2010 letter to withdraw your permit renewal application, and the following facts:

1. The discharge structure to the Gallatin River has never been constructed and a direct discharge has never occurred from the facility.
2. Wastewater is land applied to the Big Sky golf course in accordance with review provided by the Department's Technical and Financial Assistance Bureau.

If you plan to reactivate a discharge to state waters from the Big Sky Wastewater Treatment Plant you must complete an appropriate MPDES application. The application must be completed and submitted to the Department at least 180 days prior to the desired date of discharge. A permit must be issued before a discharge can commence. Based on the Department's understanding of the proposed snowmaking activities, any disposal of wastewater via snowmaking, beyond the pilot project, on sloped terrain, or in excess of agronomic uptake rates will require an application for a new MPDES permit incorporating both surface and ground water outfalls.

Any intentional or unintentional discharge to state surface water or ground water without a current permit constitutes a violation of the Montana Water Quality Act, as found in section 75-5-605 of the Montana Code Annotated (MCA), which states that it is unlawful to carry on any of the following activities without a current permit from the Department:

1. Construct, modify, or operate a disposal system which discharges into any state waters;
2. Construct or use any outlet for the discharge of sewage, industrial wastes or other waste into any state waters; or
3. Discharge sewage, industrial wastes, or other wastes into any state waters.

Violation of the Act subjects the discharger to civil penalties defined in section 75-5-631, MCA. This section allows penalties up to \$25,000 dollars for each day the violation occurs.

Big Sky County Water and Sewer District  
October 5, 2010  
Page 2 of 2

Permittees are required to pay the applicable annual fee for a calendar year during which they have permit coverage, as defined in 75-5-516, MCA and ARM 17.30.201. The termination of the permit will be effective November 1, 2010. At that time you will be sent an invoice for calendar year 2010 fees.

All permit requirements remain in effect until November 1, 2010.

If you disagree with any of the facts stated in this letter, or have any questions, please contact the Water Protection Bureau at (406) 444-3080 as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jenny Chambers".

Jenny Chambers, Chief  
Water Protection Bureau  
Permitting and Compliance Division  
[JChambers@mt.gov](mailto:JChambers@mt.gov)

Cc: Freddi Haab, Water Protection Bureau